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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

CARLOS HUGO VALDEZ,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION. NO. L-09-9
	§	
UNION PACIFIC, et al.,	§	
	§	
Defendants.	§	

MEMORANDUM AND ORDER

Pending in this 49 U.S.C. § 1983 prisoner civil rights case is Plaintiff Carlos Hugo Valdez's Application to Proceed In Forma Pauperis. (Dkt. No. 2.) Magistrate Judge Diana Saldaña filed a Report and Recommendation on March 10, 2009. (Dkt. No. 4.) After the Report was served on Valdez on March 12, 2009 (Dkt. No. 5), he filed five letters, none of which contain objections to the Report.¹ (Dkt. Nos. 6-10.) Judge Saldaña recommends that the motion be denied and that the case be dismissed if Valdez does not pay the court filing fee within twenty days after receiving the Report, or by April 1, 2009. The docket sheet reflects that the filing fee has not yet been paid.

¹ Instead, the letters all appear to recount his underlying complaints against the federal government, some of which are actually part of other pending actions, for example, Valdez v. Tejerina, et al., No. 5:07-CV-87 (S.D. Tex.).

Having reviewed the report for clear error,² this Court concludes that the Report and Recommendation should be and is ACCEPTED.

It is, therefore, ORDERED that the Application to Proceed In Forma Pauperis be DENIED. This case shall be DISMISSED without prejudice under 28 U.S.C. § 1915(g).

DONE at Laredo, Texas, this 6th day of April, 2009.


United States District Judge

² "The advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglass v. United Serv. Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee's note (1983)).